

REMARKS

Claims 1-3, 24-29, and 33-39 remain in this application. Claims 1, 24, 27, and 36 have been amended. No claims have been added or cancelled. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

35 U.S.C. §101 Rejection

The Examiner has previously rejected claims 24-26 and 34 under 35 U.S.C. §101 on the grounds that the claimed invention is allegedly directed to non-statutory subject matter.

Without admitting the appropriateness of this rejection, due to the requirement by the Examiner, and in order to expedite allowance of this cases, Applicants submit herein amendments to claim 24 to overcome the reason for rejection.

35 U.S.C. §102(e) Rejection – Falik

The Examiner has previously rejected claims 1-3, 24-29 and 33-39 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,263,425 issued to Falik (hereinafter “Falik”). The Applicants respectfully submit that the present claims are allowable over Falik.

Claim 1 recites a method comprising “*requesting access to a resource for a first process, the first process having a corresponding first semaphore; determining whether the resource is being accessed by a second process, the second process having a corresponding second semaphore; and denying the first process access to the resource if the resource is being accessed by the second process as indicated by a lock on the resource, wherein the lock is indicated at the second semaphore*”.

As discussed in paragraph [0006] of the patent application, “[t]he classical approach ... is to implement a semaphore for each resource”. In contrast, claim 1 provides that the first semaphore corresponds to the first process and the second semaphore corresponds to the second process. FIG. 2 of the patent application shows a system in which each resource has a corresponding semaphore, whereas FIG 3 of the patent application shows a system in which each process has a corresponding semaphore system. There is a difference.

Now, as previously argued, Falik discloses that multiple processes share a semaphore. In particular, it is stated at column 1, lines 49-51 that “*each process that uses a particular single bit semaphore has associated with it semaphore interface circuitry*”. In addition, as shown in FIG 1 of Falik, a first process of Processor A and a second process of Processor B both write to the same **shared** hardware semaphore 102 (see e.g., column 2, lines 37-38).

In the Advisory Action mailed 9/19/2005, the Examiner stated “*Falik goes one step further to provide each process with a semaphore (Each ... hardware circuit is associated with a separate one of the plurality of processes.) ... Each process in Falik has such circuitry associated with it, such that each process has a local semaphore. That the resource also has a global semaphore to communicate its status to other processes does not preclude a finding that each process has a local semaphore.*”

Applicants respectfully disagree. As clearly shown in FIG. 1 of Falik, there is a single semaphore 102. The single semaphore 102 is written to by processes implemented on Processor A and Processor B. Accordingly, the single semaphore 102 is shared by multiple processes. The Examiner has stated that “*each process has a local semaphore*”. Literally this is not true. Although the Examiner did not cite the source of the quote “*Each ... hardware circuit is associated with a separate one of the plurality of*

processes”, Applicants believe this quote pertains to the “*second hardware circuits*” (see e.g., the Abstract). However the second hardware circuits are portions of the semaphore circuit shown, such as that shown in FIG. 1, which portions do not include the semaphore. There are multiple second hardware circuits, but only one semaphore 102.

Accordingly, Applicants maintain their understanding that there is no teaching or suggestion of a first process having a corresponding first semaphore and a second process having a corresponding second semaphore. Accordingly, claim 1 is not anticipated by Falik.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *“For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 1 is believed to be allowable over Falik. Claims 2-3, and 33 depend from claim 1 and are believed to be allowable therefor, as well as for the recitations set forth in each of these dependent claims.

Independent claims 24, 27, and 36, as well as each of these independent claims respective dependent claims, are also believed to be allowable.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

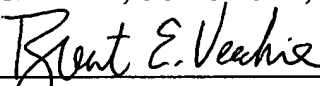
The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Date: 10/14/05

Respectfully submitted,
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